

REFERENCE TITLE: autopsies; required identifying information

State of Arizona
House of Representatives
Forty-eighth Legislature
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HB 2649

Introduced by
Representatives Sinema, Gallardo, Kirkpatrick: Ableser, Campbell CH,
Campbell CL, Farley, Lopes, Lujan, Pancrazi, Prezelski, Schapira, Ulmer

AN ACT

AMENDING SECTION 11-593, ARIZONA REVISED STATUTES; RELATING TO AUTOPSIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 11-593, Arizona Revised Statutes, is amended to
3 read:

4 11-593. Reporting of certain deaths: autopsies: required data
5 collection: failure to report: classification

6 A. Any person having knowledge of the death of a human being including
7 a fetal death shall promptly notify the nearest peace officer of all
8 information in the person's possession regarding the death and the
9 circumstances surrounding it under any of the following circumstances:

10 1. Death when not under the current care of a physician or nurse
11 practitioner for a potentially fatal illness or when an attending physician
12 or nurse practitioner is unavailable to sign the death certificate.

13 2. Death resulting from violence.

14 3. Death occurring suddenly when in apparent good health.

15 4. Death occurring in a prison.

16 5. Death of a prisoner.

17 6. Death occurring in a suspicious, unusual or unnatural manner,

18 **INCLUDING DEATH RESULTING IN WHOLE OR IN PART FROM EXPOSURE.**

19 7. Death from disease or accident believed to be related to the
20 deceased's occupation or employment.

21 8. Death believed to present a public health hazard.

22 9. Death occurring during anesthetic or surgical procedures.

23 10. **IF THERE IS A REASONABLE GROUND TO SUSPECT THAT THE DEATH WAS**
24 **CAUSED BY A CRIMINAL ACT OF ANOTHER PERSON.**

25 B. The peace officer shall promptly notify the county medical examiner
26 and, except in deaths occurring during surgical or anesthetic procedures from
27 natural diseases, shall promptly make or cause to be made an investigation of
28 the facts and circumstances surrounding the death and report the results to
29 the medical examiner. If there is no county medical examiner appointed and
30 serving within the county, the county sheriff shall be notified by the peace
31 officer and the sheriff shall in turn notify and secure a licensed physician
32 to perform the medical examination or autopsy.

33 C. An autopsy is not required for deaths due to natural diseases that
34 occur during surgical or anesthetic procedures, except where the medical
35 examiner determines an autopsy is necessary because any of the following
36 exists:

37 1. A public health risk.

38 2. Evidence of a crime.

39 3. Evidence of inadequate health care.

40 4. No clinically evident cause of death.

41 D. Every person who knows of the existence of a body where death
42 occurred as specified in subsection A ~~of this section~~ and who knowingly fails
43 to notify the nearest peace officer as soon as possible unless the person has
44 good reason to believe that notice has already been given is guilty of a
45 class 2 misdemeanor.

1 E. If the deceased was under treatment for accident or illness by
2 prayer or spiritual means alone, in accordance with the tenets and practices
3 of a well-recognized church or religious denomination, and death occurred
4 without a physician or nurse practitioner in attendance, the person who has
5 knowledge of the death shall report all information in the person's
6 possession regarding the death and circumstances surrounding it directly to
7 the county medical examiner or the person performing the duties of a county
8 medical examiner who may waive an autopsy if the county medical examiner **OR**
9 **THE PERSON PERFORMING THE DUTIES OF A COUNTY MEDICAL EXAMINER** is satisfied
10 that the death of the person resulted from natural causes.

11 F. TO THE EXTENT POSSIBLE UNDER THE CIRCUMSTANCES, THE COUNTY MEDICAL
12 EXAMINER, OR PERSON PERFORMING THE MEDICAL EXAMINER'S DUTIES, SHALL COLLECT
13 AND RETAIN THE FOLLOWING INFORMATION AS A PART OF EACH AUTOPSY:

- 14 1. ALL RECOVERABLE FINGERPRINTS AND PALM PRINTS.
- 15 2. DENTAL RECORDS CONSISTING OF DENTAL CHARTS AND DENTAL X-RAYS OF THE
16 DECEASED PERSON'S TEETH, WHICH MAY BE CONDUCTED BY A QUALIFIED DENTIST AS
17 DETERMINED BY THE MEDICAL EXAMINER.
- 18 3. BODY TISSUE, INCLUDING A HAIR SAMPLE, OR BODY FLUID SAMPLES FOR DNA
19 TESTING, IF NECESSARY.
- 20 4. FRONTAL AND LATERAL FACIAL PHOTOGRAPHS WITH THE SCALE INDICATED.
- 21 5. NOTATION, AND PHOTOGRAPHS WITH A SCALE, OF SIGNIFICANT SCARS,
22 MARKS, TATTOOS, CLOTHING ITEMS AND OTHER PERSONAL EFFECTS FOUND WITH OR NEAR
23 THE BODY.

24 **F.** Each county shall provide to the department of public safety
25 fingerprints of all deceased persons whose deaths are required to be
26 investigated pursuant to this section. These fingerprints shall be on a form
27 provided by the department of public safety and shall be accompanied by such
28 other information regarding the physical description and the date and place
29 of death as the department of public safety may require. Fingerprints taken
30 pursuant to this section shall be used only for the purpose of purging
31 criminal history files. All information and data in the department of public
32 safety that are furnished in compliance with this section are confidential
33 and may be disclosed only on written approval of the director of the
34 department of public safety to the juvenile court, social agencies, public
35 health and law enforcement agencies licensed or regulated by this state.